

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS DUANE BROWN,

Defendant.

8:09CR131

ORDER

Defendant Curtis Duane Brown (Brown) appeared before the court on July 1, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 67). Brown was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Russell X. Mayer. Through his counsel, Brown waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Brown should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Brown proffered he would obtain an substance abuse assessment from Lutheran Family Services and enter a half-way house in Omaha. Steve Orton from the half-way house testified Brown could be placed at his facility. Since it is Jackson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Brown has failed to carry his burden in light of Brown's prior rejection of attempts to help him by treatment facilities and his probation officer. Brown should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on August 14, 2014**. Defendant must be present in person.

2. Defendant Curtis Duane Brown is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 1st day of July, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge